

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCIS BOYLE, *et al.*,
Plaintiff

v.

UNITED STATES OF AMERICA,
Defendant

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CIVIL ACTION

No. 20-6219

ORDER

AND NOW, this 31st day of May, 2022, upon consideration of the United States of America's Motion to Dismiss All Claims Alleging Corporate Negligence and Exclude the Expert Testimony of Dr. Kenneth Rothfield (Doc. No. 14), Mr. and Mrs. Boyle's response in opposition (Doc. No. 20), the United States of America's reply (Doc. No. 22), this Court having held oral argument on April 6, 2022, the supplemental briefing submitted after oral argument (Doc. Nos. 26 & 27), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that the Motion (Doc. No. 14) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion is **GRANTED** as to any claims alleging corporate negligence and the last sentence of paragraph 6 of the complaint (Doc. No. 1) is **STRICKEN**;
2. The Motion is **GRANTED** as to Dr. Rothfield's proposed expert testimony about the duty of care owed by Dr. Poorvi Trivedi as a primary care physician;
3. The Motion is **DENIED** as to Dr. Rothfield's proposed expert testimony about the duty of care owed by Veterans Administration Medical Center-Philadelphia leaders acting in their administrative capacity.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE